

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JAMES LEE LARSON,

Cause No. CV-10-00046-H-DWM-RKS

Plaintiff,

vs.

CONGRESS and the UNITED
STATES DISTRICT COURTS
FOR THE STATE OF
MONTANA,

Defendants.

RECOMMENDATION AND ORDER

FILED

OCT 22 2010

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

Plaintiff James Lee Larson has filed a Motion to Proceed in forma pauperis (C.D. 1) in his thirty-eighth prisoner civil rights complaint filed in this Court since February 2008. (C.D. 2) The Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

Permission to proceed in forma pauperis is discretionary with the Court. 28 U.S.C. § 1915(a). In Judge Molloy's Orders of Dismissal of Civil Action Nos. 09-CV-00011-H-DWM-RKS and 09-CV-00012-H-DWM-RKS, Larson was required to show cause in any future motions

to proceed in forma pauperis why the motion should not be denied under the three strikes provision of the Prison Litigation Reform Act.¹ Larson's motion to proceed in forma pauperis made no such showing. Accordingly, Larson's motion to proceed in forma pauperis should be denied.

Larson has a history of abusing the system and filing repetitive, frivolous lawsuits. Long before he filed this action, Larson knew, from his previous filings, he probably would not be permitted to proceed in forma pauperis. Larson will not be allowed to proceed by paying the fee in full.

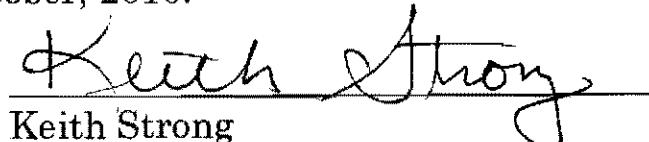
Because Larson is not entitled to a ten-day period to object, this Order will be entered directly upon endorsement. *See Minetti v. Port of*

¹Larson has been issued strikes pursuant to 28 U.S.C. § 1915(g) for failure to state a claim in the following seven cases: Civil Action Nos. 08-CV-02-H-DWM (§ 1983 action filed February 13, 2008; closed June 24, 2008); 08-CV-044-BU-SEH-RKS (§ 1983 filed July 28, 2008; closed September 15, 2008); 08-CV-051-BU-SEH-RKS (§ 1983 filed August 8, 2008; closed September 29, 2008); 08-CV-052-BU-SEH-RKS (§ 1983 filed August 8, 2008; closed September 29, 2008); 08-CV-054-BU-SEH-RKS (§ 1983 filed August 8, 2008; closed September 29, 2008); 08-CV-058-GF-SEH-RKS (§ 1983 filed August 12, 2008; closed September 30, 2008); 08-CV-057-H-DWM-RKS (§ 1983 filed August 12, 2008; closed September 30, 2008).

Seattle, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). No motion for reconsideration will be entertained.

Accordingly, the Court RECOMMENDS the following Order be issued by Judge Molloy.

DATED this 21 day of October, 2010.


Keith Strong
United States Magistrate Judge

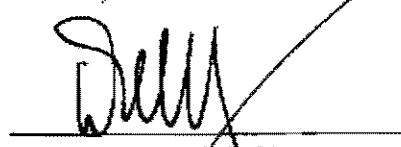
Based upon the above Recommendation by Judge Strong, the Court issues the following:

ORDER

1. Larson's Motion to Proceed in Forma Pauperis (C.D. 1) is DENIED pursuant to 28 U.S.C. § 1915(g).
2. The Clerk of Court is directed to close the case.
3. No motions for reconsideration or rehearing will be entertained

and the Clerk of Court is directed to discard any such motions.

DATED this 22 day of October, 2010.


Donald W. Molloy
United States District Judge